IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 894 OF 2005

IN

FIRST APPEAL NO. 228 OF 2005

NATIONAL INSURANCE CO.LTD., PANAJI GOA ....Applicant

Versus

BRUNO BALTAZAR SALDANHA(DEC.) SURVIVED BY RESPONDENT NOS.2 AND 3 AND ORS., ...Respondents

Mr. E. Afonso, Advocate for the applicant.

Coram:- D. D. SINHA, J.

Date:- 8th December, 2005

P.C.

Heard Mr. Afonso, the learned Counsel for the applicant. Misc. Civil Application No. 894/05 is moved by the applicant for restoration of First Appeal No.228/05 along with Civil Application No.267/05 which was dismissed in defualt vide Order dated 26.10.2005. The Counsel for the applicant states that at the time of dismissal of the first appeal along with the civil application for want of prosecution, no notices were issued by this Court to the respondents.

Considered the contentions canvassed by the learned Counsel for the applicant. Perused the application. The same is allowed subject to payment of costs of Rs.500/- to be deposited with the Goa State Legal Aid Funds within a period of 3 days from today. Upon deposit, the applicant is directed to submit the acknowledgement thereof in the Registry of this Court. On submission of such acknowledgement, the

Order dated 26.10.2005 shall stand revoked and the First Appeal No.228/05 along with Civil Application No.267/05 shall stand restored to the file of this Court.

D. D. SINHA, J.

ssm.